

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

GREGORY DONNELLY  
PETITIONER,

FILED  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
MIDDLESEX COUNTY  
FEB - 9 2005  
NO. 04-CV-12706-RWZ

V.  
BERNARD BRADY, SUPERINTENDENT )  
OLD COLONY CORRECTION CENTER, )  
RESPONDENT, )

FEBRUARY 4, 2005

PETITIONER'S RESPONSE TO THE RESPONDENT'S  
MOTION FOR AN ENLARGEMENT OF TIME IN WHICH  
TO RESPOND TO PETITION.

NOW COMES THE PETITIONER GREGORY M.  
DONNELLY, ACTING PRO SE, HEREBY SUBMITS  
PETITIONER'S RESPONSE TO THE RESPONDENT'S  
MOTION FOR ENLARGEMENT OF TIME.

- 1) THIS PETITION DOES ARISE FROM A 1993  
PLEA AGREEMENT TO WHICH WAS BREACHED  
BY THE PROSECUTOR'S OFFICE (MIDDLESEX  
DISTRICT ATTORNEY).

- 2) THIS PETITIONER GAVE UP HIS RIGHT TO A JURY TRIAL ON PROMISES BY THE PROSECUTOR, CRISPIN BIRNBAUM, (MIDDLESEX ASSISTANT DISTRICT ATTORNEY). (SEE EXHIBIT A ).
- 3) CRISPIN BIRNBAUM IS NOW IN THE ATTORNEY GENERAL'S OFFICE WORKING AS AN ASSISTANT ATTORNEY GENERAL.
- 4) THE ATTORNEY GENERAL'S OFFICE HAS BEEN INVOLVED WITH THE PETITIONER'S LITIGATION SINCE 1995 AND CRISPIN BIRNBAUM HAS BEEN SERVED WITH FILINGS IN THIS MATTER AND IS ON THE DOCKET ENTRIES LISTED IN THE ATTORNEY GENERAL'S OFFICE IN LOWER STATE COURT LITIGATION. (SEE EXHIBIT D ).
- 5) THE PETITIONER AFTER LENGTHY NEGOTIATIONS BETWEEN THE PROSECUTOR, CRISPIN BIRNBAUM, THE JUDGE REGINA QUINLAN, THE DEFENCE ATTORNEY, JOHN D FITZPATRICK, THE FAMILY OF THE VICTIMS, AGREED TO THE FOLLOWING SENTENCE, TWO SENTENCES OF TEN

- 7) THIS PETITIONER HAS ALWAYS NOTIFIED ALL PARTIES AND EXHAUSTED EVERY POSSIBLE AVENUE INCLUDING FOLLOWING APPEALS COURT AND SUPERIOR COURTS RULINGS, ATTORNEY'S ADVISE AND REPRESENTATION, DOC, PAROLE DIRECTION FOR YEARS SINCE 1995 TO SEEK THE PROMISES MADE TO PETITIONER SINCE THE PLEA AGREEMENT BREACH BY THE PROSECUTOR'S.
- 8) THIS CIVIL ACTION HAS BEEN BROUGHT TO THE U. S. DISTRICT COURT AFTER YEARS OF ENCARGEMENTS OF TIMES, RESPONDENT'S/ DEFENDANT'S MANY ATTORNEY CHANGES OR NOTICE OF APPEARANCE'S, BEING PUSHED FROM ONE COURT TO ANOTHER, CONFUSION OF DOCKET ENTRIES ALL ON THE PART OF THE RESPONDENT/ DEFENDANT NEVER ALLOWING THIS PETITIONER TO CORRECT THE VIOLATION OF DUE PROCESS ENTITLED TO PETITIONER UNDER THE FOURTEETH AMENDMENT TO THE U. S. CONSTITUTION MANDATES AFTER PROMISE OR PLEA AGREEMENT BY THE PROSECUTOR

IN THIS CASE.

9) THE DELAY IN THE DISPOSITION IN A  
HABEAS CORPUS PETITION INHERENTLY  
PREJUICE THE PETITIONER SINCE THIS  
PETITIONER HAS ALREADY SERVED HIS  
SENTENCE IN FULL.

WHEREFORE, I RESPECTFULLY ASK THIS  
HONORABLE COURT TO HEAR THIS PETITION  
WITHOUT DECAYS FROM THE RESPONDENT.

Gregory Donnelly  
GREGORY DONNELLY, PRO. SE.  
269 TREBLE COVER RD  
BILLERICA, MA. 01862.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SERVED BY FIRST  
CLASS MAIL A COPY OF THE ABOVE BY PLACING IN THE  
INSTITUTIONAL MAIL BOX ADDRESSED, RANDALL E RAVITZ,  
ASSISTANT ATTORNEY GENERAL, CRIMINAL BUREAU, ONE  
ASHBURTON PLACE, BOSTON, MA. 02108.

Gregory Donnelly  
FEBRUARY 4, 2005

Pages 1 - 25

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Superior Court Department  
of the Trial Court

Nos. 89-2016 - 89-2018

Commonwealth

vs.

Gregory M. Donnelly

BEFORE: Quinlan, J.

May 13, 1993

APPEARANCES:

Crispin Birnbaum, Assistant District Attorney, for the Commonwealth.

John Fitzpatrick, Esquire, for the defendant.

Elizabeth L. Buchanan

Certified Verbatim Reporter

EXHIBIT

A

2 indictment charging you with motor vehicle  
3 homicide, operating under the influence; 89-2017,  
4 this indictment charging you with motor vehicle  
5 homicide, operating under the influence; and  
6 89-2018, this indictment charging you with  
7 operating under the influence of liquor -- that  
8 is as to all three indictments, when I said --  
9 operating under the influence of liquor, I should  
10 have stated; and -- the last one is operating  
11 under the influence of liquor, serious injury to a  
person.

THE DEFENDANT: Yes, I do.

THE CLERK: What is your plea?

THE DEFENDANT: Guilty.

19 THE CLERK: Will you raise your  
20 right hand, please, sir?

(Defendant sworn.)

22 THE CLERK: Please take the witness  
23 stand over here, sir, and watch your step getting  
24 in.

1 A No, I haven't.  
2

3 Q Are you aware of any mental illness or condition  
4 you have as of now?  
5

6 A No, I'm not.  
7

8 Q Are you on any medication today?  
9

A No, I'm not.  
10

Q Have you taken any drugs or alcohol today?  
11

A No; I haven't.  
12

Q Now, you understand that the three indictments  
13 against you -- two of them allege motor vehicle  
14 homicide while under the influence of intoxicating  
15 liquor, and one alleging operating under the  
16 influence of alcohol while causing bodily injury?  
17

A Yes, I understand.  
18

Q And, the first two indictments, you understand,  
19 relate to Mr. Danielson and his son, and the third  
20 indictment relates to injuries caused to Mr.  
21 Lambert?  
22

A Yes, I understand that.  
23

Q Now, the plea that you are now asking that I  
24 accept has been the product of some negotiations  
25 between your attorney and the District Attorney;  
are you aware of that?  
26

A Yes, I am.  
27

1  
2 sentence will be suspended for a period of five  
3 years, supervised probation.

4 That conditions of that supervised  
5 probation are that the defendant lose his license;  
6 that he not operate -- that he lose his right to  
7 operate a motor vehicle in Massachusetts; and that  
8 he undergo alcohol education or treatment programs  
9 as directed by his probation officer in the  
10 department in this building.

11 THE COURT: Mr. Fitzpatrick.

12 MR. FITZPATRICK: Your Honor, just  
13 as an addendum, my understanding is the -- if  
14 this is accepted by the Court, the Court will  
15 consider any treatment Mr. Donnelly has been  
16 undergoing and has in fact undergone in prison  
17 with respect to that last part of the probation  
18 conditions. That's all.

19 THE COURT: On the alcohol  
20 treatment.

21 MR. FITZPATRICK: Yes. My  
22 understanding is, the Court might be willing to  
23 consider it.

24 Q (By the Court) Mr. Donnelly, having heard the  
25 agreement as set forth by the Assistant District

1

right to face your accusers and question them, and  
any other witnesses who may appear against you,  
and your right to present evidence in your own  
defense?

5

A Yes.

6

Q Do you also understand that by pleading guilty you  
give up your right to exercise your privilege  
against self-incrimination and to appeal any  
motions to suppress or issues of law that have  
arisen up to this point?

11

A Yes, your Honor.

12

Q Do you also understand that you are giving up your  
right to be presumed innocent of these charges  
until you are proven guilty beyond a reasonable  
doubt by the Commonwealth?

16

A Yes, your Honor.

17

THE COURT: Ms. Birnbaum, if you  
would briefly set forth the facts, considering  
that I have heard a great deal of those facts  
through the evidence that was presented at the  
trial which was mis-tried yesterday.

23

MS. BIRNBAUM: Thank you, your  
Honor. If the Commonwealth proceeded through  
another trial in this matter, we would produce

24

25

12

2 family's produce truck, which was a white  
Mitsubishi box truck.

Mr. Lambert unavoidably crashed  
into the Danielsons' pickup truck. Mr. Lambert  
sustained serious bodily injury and was  
hospitalized a number of weeks, and underwent a  
number of operations.

Because of this collision, the  
Danielsons' pickup truck, because it was hit with  
such force by the Lambert truck, swung around 360  
degrees. The force of that centrifugal force  
caused the passenger door on the Danielson truck  
to fly open.

15 Witnesses saw Mr. Danielson fly out  
16 of the pickup truck and land on the ground, where  
17 he died. Witnesses then saw David Danielson  
18 ejected from the pickup truck through the same  
19 passenger door and land on the ground where many  
20 witnesses tried to revive him through CPR, and  
were unfortunately unable to.

The defendant's car proceeded down

1                   should be added to those already given?

2                   A No, I don't.

3                   Q Do you plead guilty willingly, freely, and  
4                   voluntarily?

5                   A Yes, I do.

6                   Q Has anyone forced you to plead guilty?

7                   A No, they haven't.

8                   Q Have any promises or threats been made which have  
9                   induced you to plead guilty?

10                  A No, there haven't.

11                  Q Has your lawyer explained to you the elements of  
12                  the crimes to which you are pleading guilty?

13                  A Yes, he has.

14                  Q Have you had enough time to fully discuss your  
15                  case, your rights, your defenses, and possible  
16                  consequences of this plea with your attorney?

17                  A Yes, I have.

18                  Q Has your lawyer discussed and explained to you all  
19                  the options available to you in the event that you  
20                  choose to proceed to trial?

21                  A Yes, he has.

22                  Q Do you feel that your lawyer has acted in your  
23                  best interests?

24                  A Yes.

1                   on all three of these indictments.  
2

3                   The Commonwealth would strongly  
4                   urge the Court to adopt the agreed recommendation—  
5                   which we have proposed, which has come to the  
6                   Court after lengthy consideration and discussion,  
7                   I think, by all sides, it's fair to say, but  
8                   especially for the Commonwealth, there is one  
9                   family that has undergone a tremendous strain.

10                  Present in the Court today is  
11                  Marion Danielson, who has prepared an impact  
12                  statement. It's very brief, and I would ask the  
13                  Court to entertain Mrs. Danielson today, because  
14                  this is her only opportunity to speak on this  
15                  very, very personal matter.

16                  THE COURT: Mrs. Danielson may come  
17                  forward. Mrs. Danielson.

18                  MRS. DANIELSON: Today is May 9th,  
19                  1993. 3 years, 11 months ago, on June 3rd, 1989,  
20                  a series of events began that have permanently  
21                  changed my daughter's life and mine.

22                  Since that day, for the rest of my  
23                  life, I will endure the pain and memory of losing  
24                  my husband Steven and my son David. A choice was  
25                  made that I had no decision on, but I have to live

1  
2 how to make.  
3

3 Choices mean either yes or no,  
4 right or wrong. There is no such meaning in this  
5 plea. So here is my choice for the plea.

6 My choice is that a drunk driver  
7 not be allowed on the streets. I would choose to  
8 have David and Steve go with Shelby and me to get  
9 ice cream on June 3rd. I would choose that they  
10 never drive down Route 2. I would choose that two  
11 policemen not come to my door at 6 o'clock on June  
12 3rd.

13 I would choose to have Steve take  
14 the pictures this Saturday for Shelby's senior  
15 prom, and then hand her a rose at her graduation  
16 in June.

17 I would choose to spend yesterday,  
18 Mother's Day, celebrating David's sixteenth  
19 birthday, instead of writing this impact  
20 statement.

21 These are the choices that are  
22 offered to me. They're the only choices I would  
23 have wanted to make.

24 Thank you.

25 THE COURT: Thank you, Mrs.

1  
2 terms of whether or not that should be credited to  
3 his sentence.

4 THE COURT: If in fact I follow the  
5 recommendation, then it will be without prejudice  
6 to his resolving that dispute, or seeking to  
7 resolve that dispute by further proceedings,  
8 whether here or on the civil side of the Court;  
9 and also without prejudice to the Commonwealth  
10 taking whatever position they deem appropriate.

11 MR. FITZPATRICK: With respect to  
12 Greg's feelings about this case, your Honor,  
13 there's not much more that can be added to what  
14 has just been said.

15 He has spent every day since June  
16 3rd, 1989 in a cell, in a jail cell; and he will  
17 spend several more years in a jail cell. Not a  
18 day has gone by, or a night, nor will a day or a  
19 night go by, without him thinking about what  
20 happened on that horrible day.

21 By his actions today, and by his  
22 words, he's taking full responsibility for what  
23 happened. It was a terrible day. Greg just wants  
24 the Court to know, and wants the family to know,  
25 that he will never be the same again. Again, this

22

2                   particularly the Danielson family, is a major  
3 consideration in my agreeing to accept the  
recommendation.

89-2016 and -17. Gregory M.  
10  
11 Donnelly, you will harken to the sentences the  
12 Court has awarded against you. The Court, having  
13 duly considered your offenses, orders that you be  
14 punished by confinement in the Massachusetts  
15 Correctional Institution at Cedar Junction for  
16 terms not exceeding ten and a half years or less  
than ten years.

18                    Each of these sentences are to be  
19                    served concurrently, and each of these sentences  
20                    are to take effect forthwith, notwithstanding the  
21                    sentence or sentences now being served at M.C.I.  
22  
23                    Concord.

Good time in the amount of \$1,174  
23 days will be so noted on the mittimus that will  
24 accompany you to said institution.

COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT

SUPERIOR COURT  
DEPARTMENT

MIDDLESEX DIVISION  
NO. 95-02633

Gregory Donnelly,  
Plaintiff

v.

William Coalter,  
Defendant

AFFIDAVIT OF  
JOHN D. FITZPATRICK

The undersigned hereby states and deposes on oath the  
following:

1. I am a practicing attorney, and a member in good standing of the Massachusetts bar.
2. On May 13, 1993, I represented Gregory Donnelly, the Plaintiff in the above-captioned matter, in a criminal case.
3. On May 13, 1993, I negotiated a plea agreement on behalf of Mr. Donnelly with respect to the charges then outstanding against him (two indictments of motor vehicle homicide, M.G.L. chapter 90, section 24G, and one indictment for operating under the influence, causing serious bodily injury), referred to herein as "the Plea Agreement."
4. The Plea Agreement was that Mr. Donnelly would plead guilty to the above charges, and the Commonwealth would recommend that:
  - a) on the motor vehicle homicide indictments, Mr. Donnelly would receive two sentences of ten to ten-and-one-half years at

MCI-Cedar Junction ("the Cedar Junction sentences"), to be served concurrently, b) the Cedar Junction sentences were to take effect immediately, c) on the indictment for operating under the influence, causing serious bodily injury, Mr. Donnelly would receive a suspended sentence of six to eight years at MCI-Cedar Junction, suspended for five years, to be served from and after the Cedar Junction sentences, e) Mr. Donnelly would receive jail credit for 1,174 days served to date, and f) all prior sentences that Mr. Donnelly was serving were to be eliminated ("forthwitted") by the Cedar Junction sentences.

5. The Plea Agreement was accepted by the sentencing judge (Quinlan, J.), the assistant district attorney on the case (Crispin Birnbaum, Esq.), Mr. Donnelly and myself.

6. I was of the belief that as a result of the Plea Agreement, the only sentences Mr. Donnelly had to serve before release from incarceration were the Cedar Junction sentences, and that as of May 13, 1993, Mr. Donnelly had credit of 1,174 days served on the Cedar Junction sentences.

7. Upon information and belief, the believed results of the Plea Agreement described in paragraph 6 of this affidavit were critical factors in the structuring of the Plea Agreement, and led to the wording of the writamus for the Cedar Junction sentences.

Signed under the pains and penalties of perjury this 28<sup>th</sup> day of  
July, 1995.

  
John D. Fitzpatrick, Esq.  
65A Atlantic Ave.  
Boston, MA 02110  
(617) 742-8010

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
CRIMINAL ACTION  
Nos. 99-11105A  
and 99-11105B

COMMONWEALTH

v.

GREGORY M. DONNELLY

DEFENDANT'S AFFIDAVIT IN SUPPORT OF  
MOTION TO CORRECT AN ILLEGAL SENTENCE

I, Gregory M. Donnelly, being duly sworn, according to law, depose and say:

1. I am the defendant in the above-captioned and numbered matters.
2. I make this affidavit in support of my motion to correct an illegal sentence from my own personal knowledge and belief.
3. Succinctly stated, on or about 1980 I was convicted for the offense of armed robbery in Plymouth County, and, thereafter, sentenced to a term of 20 years to be served at the Massachusetts Correctional Reformatory at Concord (hereafter the "Concord sentence"), commitment number C-47732.
4. Thereafter, on or about June 3, 1989, I was again arrested as the result of a motor vehicle accident, death resulting, Middlesex County Indictment Nos. 89-2016 through 89-2018.
5. As the result of said arrest, a parole detainer was lodged against me under my previously imposed 20 year Concord sentence.
6. After a lengthy period of proceedings regarding the Middlesex Indictment Nos. 89-2016 through 89-2018, I entered into a plea agreement with the Commonwealth. In exchange for my pleas of guilty, the sentences imposed would be as follows:
  - a) two 10 to 10½ year terms at MCI-Cedar Junction under Indictment Nos. 89-2016 and 89-2017, to run concurrent with each other, and that they would "forthwith" the 20 year Concord sentence imposed as the result of my 1980 conviction for armed robbery in Plymouth County; and,

-2-

- b) a 6 to 8 year term at MCI-Cedar Junction under Indictment No. 89-2018, that said sentence be suspended and run from and after the incarcerated portion of the 10 to 10½ year sentence, and that this sentence be suspended for five years, supervised probation.

(See attached copy of change of plea and sentencing transcript, Middlesex County Indictment Nos. 89-2016 through 89-2018, pages 7 - 8, marked as Exhibit A)

7. That I relied on the said plea agreement negotiated between John D. Fitzpatrick, my attorney, and the Commonwealth, and changed my pleas to guilty. (See attached affidavit of John D. Fitzpatrick, Esquire, marked as Exhibit B)

8. That the Court (Quinlan, J.), in fact, sentenced me to serve 10 to 10½ years at MCI-Cedar Junction under Middlesex Indictment Nos. 89-2016 and 89-2017, "forthwith", so as to extinguish the previously imposed 20 year Concord sentence; with a sentence of 6 to 8 years at MCI-Cedar Junction under Middlesex County Indictment No. 89-2018, and that said 6 to 8 year sentence take effect from and after the expiration of the sentences imposed on #89-2016 and #89-2017, and that said sentence be suspended for a period of five years, supervised probation. (Exhibit A, pgs. 22 - 24)

9. Thereafter, as the result of my attempt to obtain jail credits concerning my 10 to 10½ year sentences, the Massachusetts Appeals Court ruled that at the time of imposition of the 10 to 10½ year sentences my parole on the 20 year Concord sentence had not been revoked. Therefore, at the time of the imposition of the 10 to 10½ year sentences, my 20 year Concord sentence could not have been "forthwithed" or extinguished. The Appeals Court also held that the balance of the said 20 year Concord sentence remained to be served at the completion of my 10 to 10½ year Middlesex County sentences. (See attached copy of decision, Commonwealth v. Donnelly, 37 Mass.App.Ct. 1117 (1993) (Donnelly II), Docket No. 93-P-1149, issued under Rule 1:28, at pages 3 - 5, marked as Exhibit C)

10. After notice of the Appeals Court's decision in Donnelly II, Thomas F. Reilly, then District Attorney for Middlesex County, rather than move to vacate and reimpose the 10 to 10½ year sentences to enable the court to "forthwith" my 20 year Concord sentence per his initial agreement, wrote to the Parole Board to ensure the activation of the remainder of my 20 year Concord sentence at the completion of my 10 to 10½ year Middlesex County sentences. (See attached letters between Mr. Reilly

MAS-20020121

**Commonwealth of Massachusetts**  
**MIDDLESEX SUPERIOR COURT**  
**Case Summary**  
**Criminal Docket**

10/31/2002  
01:26 AM

**MICR1989-02016**  
**Commonwealth v Donnelly, Gregory M**

File Date	10/09/1992	Status	Disposed (sentenced) (dsenimp)
Status Date	05/13/1993	Session	4 - Crim 4 (8B Cambridge)
Jury Trial	Unknown	Origin	I - Indictment
Lead Case	MICR1989-02016		

Trial Deadline	Deadline Status	Status Date
	Custody Status	Start Date
Weapon	Substance	Prior Record Unknown
Arraignment	PTC Deadline	Pro Se Defendant No

**OFFENSES**

Num	Offense	Code	Status	Status Date
1	06/03/1989	090:024G:a	Guilty plea	05/13/1993

Homicide by MV, under influ intox & recklss/neglgnt

**PARTIES**

<b>Defendant</b> Gregory M Donnelly Gender: Male Active 10/09/1992	<b>Public Counsel 550059</b> John D Fitzpatrick Fitzpatrick & Warrenbrand 1 McKinley Square Boston, MA 02109 Phone: 617-720-2286 Fax: 617-723-1710 Withdrawn 07/31/2002
	<b>Private Counsel 344100</b> James E Methe 1350 Main Street Bank Boston Building 10th floor Springfield, MA 01103 Phone: 413-746-9257 Fax: 413-732-5828 Active 07/31/2002 Notify
<b>Plaintiff</b> Commonwealth Gender: Unknown Active 10/09/1992	<b>District Atty's Office 545595</b> Crispin Birnbaum Mass Atty General's Office 200 Portland Street Trial Division 3rd floor Boston, MA 02114 Phone: 617-727-2200 Fax: 617-727-3076 Active 10/09/1992 Notify

*EXHIBIT*  
*D*

**ENTRIES**

Date	Paper	Text	
10/09/1992		See docket sheets for previous entries.	
10/09/1992	24.0	ORDER THAT THE FOLLOWING ENTRY BE MADE FROM THE APPEALS COURT THE DEFENDANTS CONVICTIONS OF MOTOR VEHICLE HOMICIDE WHILE OPERATING UNDER THE INFLUENCE OF LIQUOR AND OPERATION UNDER THE INFLUENCE OF	RA 3

MAS-20020121

**Commonwealth of Massachusetts**  
**MIDDLESEX SUPERIOR COURT**  
**Case Summary**  
**Criminal Docket**

 10/31/2002  
 01:26 AM

**MICR1989-02016**  
**Commonwealth v Donnelly, Gregory M**

Date	Paper	Text
	44.0	J.
04/26/1993	45.0	Defendants Motion for funds. photographs. Motion Allowed up to \$290.00 By the Court, Quinlan, J.
04/26/1993	46.0	Defendants motion for Exculpatory Evidence. Crimianl Records of Commonwealths Witnesses Motion Allowed. By the Court, Quinlan, J.
04/29/1993	47.0	Defendants Motion for Access to Exhibits. Allowed, Quinlan, J.
05/05/1993	47.5	Habeas corpus for Deft at MCI Gardner.
05/10/1993	48.0	Defendants Motion for Sequestration of Witnesses. Allowed, Quinlan, J.
05/10/1993	49.0	Defendants Motion to be free of handcuffs, shackles and prison clothes. Allowed, Quinlan, J.,
05/10/1993	50.0	Defenants Motion for individual examinations of Jurors. Allowed in part and Denied in part. Quinlan, J.
05/10/1993	51.0	Defenants Motion in Limine. I. Denied as to 1-3 and Allowed as to 4. Quinlan, J.
05/10/1993	52.0	Defenants Motion in Limine 2. Allowed in part and Denied in Part. Quinlan, J.
05/10/1993	53.0	Defendants Motion in Limine #3. Allowed in part and denied in part. Quinlan, J.
05/10/1993	54.0	Defendants Motion in Limine #4 Statements reflecting demeanor may be admitted up to time defendant placed in handcuffs. Quinlan,J.
05/10/1993	55.0	Defenants Motion in Limine 5.
05/10/1993	56.0	Defendants Motion in Limine # 6 Allowed. Quinlna, J.
05/10/1993	57.0	Defendants Motion in Limime #7 Allowed, Quinlan, J.
05/10/1993	58.0	Defenants Motion in Limine # 8 Allowed in part and deferred in part. Quinlan, J.
05/10/1993	59.0	Defendants Motion in Limine #9 Deferred until close of Commonwealths case. Quinaln, J.
05/10/1993	60.0	Commonwealths motion to exclude references to Steven Danielsons driving history or probation record. Allowed, Quinlan, J.
05/10/1993	61.0	Commonwealths Motion in Limine to admit evidence of defendants intoxication and aggressive state of mind. Subject to Commonwealth establishing a proper foundation , the motion is allowed as to observations of the defendants demeanor with respect to incidents in 1 and 2. Incident 3 is excluded. Quinlan, J.
05/10/1993	62.0	Commonwealths List of Potential Witnesses.
05/10/1993	63.0	Defenatns Motion for temporary remand of defendant. Allowed, Quinlan, J.
05/10/1993	64.0	Commonwealths Motion in Limine to exclude references to first trial. Allowed, Quinlan, J.
05/10/1993	65.0	Commonwealths Motion in Limine to exclude evidence of a telephone call to Trooper Sennott from Chief Unsworth. Denied, Quinlan, J.
05/10/1993	65.5	Defendants Motion for use of struck system and for additional peremptory challenges.
05/11/1993	66.0	Proposed Stipulation of the Parties.
05/12/1993	67.0	Defenants Motion for funds and order for expedited transcription of

 RA  
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MAS-20020121

**Commonwealth of Massachusetts**  
**MIDDLESEX SUPERIOR COURT**  
**Case Summary**  
**Criminal Docket**

 10/31/2002  
 01:26 AM

**MICR1989-02016**  
**Commonwealth v Donnelly, Gregory M**

Date	Paper	Text
03/07/1994		Motion #78 Denied. By the Court, Quinlan, J.,
03/28/1994	81.0	Defendants Notice of Appeal from the Denial of Motion for Post Conviction Relief.
04/11/1994		Two Revised Copies of Docket Entries , Copy of Denied Motion for Post Conviction Relief sent to Nancy Turck Foley This Day.
11/04/1994	82.0	Rescript rec'd from Appeals Court: Ordered, that the following entry be made in the docket; viz.,-Remanded to the Superior Court for Recalculation of Defendant's Jail Credit
02/08/1995		Letter from defendant.
04/01/1995		Sentence credit given as per 279:33A: 139 credit days (see letter to institution dated 4/1/95)
04/28/1995	82.1	Motion by Deft: for Appointment of Counsel
04/28/1995	82.2	Motion by Deft: to Correct Sentence-Judge McHugh notified Having ordered that the letter be treated as a motion for post-conviction relief and having reviewed the "motion" and opposition thereto, the motion is Denied. The deft has been given the 139 days jail credit as directed by the Appeals Court (Regina L Quinlan, Justice)
05/30/1995	83.0	Petition for writ of habeas corpus ad-lieficandum filed in court
05/30/1995		Motion (P#83) denied (Robert H. Bohn, J) Copy sent to defendant
07/31/2002	84.0	Appointment of Counsel James E Methe

 RA  
 7